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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,754	02/08/2001	Ellis W. Patrick III	08215-417001 / CHL-026064	4152
24504	7590	03/09/2004	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			TRUONG, BAO Q	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/778,754	PATRICK, ELLIS W.	
	Examiner	Art Unit	
	Bao Q. Truong	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "an external light emitting surface" in claims 1, 2, 14, 15, 25, 35 and 36 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no description of "a housing with an external light emitting surface".

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-5 and 7-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no description of the "housing having a light emitting surface" or the "an external light emitting surface of the housing" in the specification.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5 and 7-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Makita [US 4,543,486].

Regarding claims 1, 15, 16, 25 and 32-36, Makita discloses an adjustable light fixture having a housing [A] with an external surface, a light emitting surface as a lens [E] mounted at an opening and an interior compartment, a reflector assembly [B, B', 7, 9] rotatably attached to the interior compartment of the housing [A], and an adjustment mechanism [1, 1a, 1b, 2] to cause movement of a reflector assembly [B, B', 7, 9] (figure 1, column 2 lines 55-68, column 3 lines 1-28).

Regarding claims 2 and 17, Makita discloses a channel [m] (figure 1).

Regarding claims 3 and 18, Makita discloses the adjustment mechanism [1, 1a, 1b, 2] attached to the reflector assembly [B, B', 7, 9] (figure 1).

Regarding claims 4 and 19, Makita discloses a frame [7, 9] attached to the mechanism [1, 1a, 1b, 2] (figure 1).

Regarding claim 5, Makita discloses the frame [7, 9] attached to the housing [A] (figure 1).

Regarding claims 7 and 20, Makita discloses a hinge [6, 6b, 10] (figure 1).

Regarding claims 8, 21 and 26, Makita discloses a screw assembly [1, 1a, 1b] (figure 1).

Regarding claims 9 and 22, Makita discloses two screw assemblies [1, 1a, 1b] (figure 1, column 3 lines 3-28).

Regarding claim 10, Makita discloses the screw assembly [1, 1a, 1b] being rotatable to move the reflector [B] (figure 1).

Regarding claims 11, 23 and 30, Makita discloses a swivel bolt [22, 4, 5] (figures 1-4).

Regarding claim 12, Makita discloses a reflector [B] (figure 1).

Regarding claim 13, Makita discloses a light socket [G] (figure 1).

Regarding claim 14, Makita discloses an adjustable light fixture having a housing [A], a channel [m], a reflector assembly [B, B', 7, 9] rotatably attached to the interior of the housing [A], a frame [7, 9], a hinge [6, 6b, 10] and an adjustment mechanism [1, 1a, 1b, 2] with a rotatable screw [1, 1a, 1b] through the channel [m] to cause movement of a reflector [B] (figure 1, column 2 lines 55-68, column 3 lines 1-28).

Regarding claim 24, Makita discloses the adjustment mechanism [1, 1a, 1b] raising the reflector assembly [B, B', 7, 9] (column 3 lines 18-21).

Regarding claims 27, 28 and 31, Makita discloses a nut [21], a thread shaft [1] and a spring [n] (figures 1-2).

Regarding claim 29, Makita discloses means [1a] for rotatably connecting the reflector [B] and means [4, 4a, 4b, 4'a, 4'b] for rotatably connecting an end of the screw [1] to the reflector [B] (figures 1-2).

### ***Response to Arguments***

7. Applicant's arguments filed 01/23/2004 have been fully considered but they are not persuasive. The applicant recites that "Makita fails to disclose an adjustment mechanism or means that is operable from the external light emitting surface of the housing" and "The adjusting knobs 1a are operable from the back of the lamp assembly, not from the lens or light emitting surface of the lamp assembly." The applicant does not disclose and describe the "light emitting surface of the lamp assembly". The part, which could emit light from the adjustable light fixture, is the opening area of the housing (applicant's disclosure FIG. 1). In which, a lens could be mounted thereon. Makita discloses an adjustment mechanism [1, 1a, 1b] being operable from the external surface of the housing [A] or from the lens [E] of the housing [A] (figure 1). In view of this, all independent claims are not patentable over Makita.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

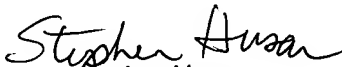
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (7:00 AM - 3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Q. Truong  
Examiner  
Art Unit 2875

BQT

  
Stephen Husar  
Primary Examiner